

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

REARDEN LLC et al.,
Plaintiffs,
vs.
THE WALT DISNEY COMPANY et al.,
Defendants,

REARDEN LLC et al.,
Plaintiffs,
vs.
TWENTIETH CENTURY FOX FILM
CORPORATION et al.,
Defendants.

Case Nos. 4:17-cv-04006-JST
4:17-cv-04191-JST

**~~PROPOSED~~ ORDER GRANTING
PLAINTIFFS' ADMINISTRATIVE
MOTION TO FILE UNDER SEAL AS
MODIFIED BY COX DECLARATION**

Judge: Hon. Jon S. Tigar
Date: To be set
Time: To be set

Ctrm.: 6 (2nd Floor)

1 Before the Court is Plaintiffs' Administrative Motion to File Under Seal (Dkt. No. 263
 2 (No. 17-CV-04006); Dkt. No. 221 (No. 17-CV-04191)) ("Administrative Motion"), seeking to file
 3 under seal the exhibits to the declaration of Mark S. Carlson in support of Plaintiffs' Opposition to
 4 Defendants' Motions for Summary Judgment on Causal Nexus Issue (Dkt. No. 263-1 (No. 17-CV-
 5 04006); Dkt. No. 221-1 (No. 17-CV-04191)) ("Carlson Declaration"). Plaintiffs also submitted
 6 several of the same exhibits as exhibits to the declarations of Richard Dadufalza and Philip Fier in
 7 support of Plaintiffs' Opposition to Defendants' Motions for Summary Judgment on Causal Nexus
 8 Issue (Dkt. No. 264-8 (No. 17-CV-04006); Dkt. No. 222-8 (No. 17-CV-04191)) ("Dadufalza
 9 Decl."); (Dkt. No. 264-10 (No. 17-CV-04006); Dkt. No. 222-10 (No. 17-CV-04191)) ("Fier
 10 Decl."). References herein to the "Carlson Declaration" include overlapping references to the
 11 same exhibits attached to the Dadufalza and/or Fier Declarations. Pursuant to Civil L.R. 79-
 12 5(e)(1), Defendants submitted the declaration of Erin J. Cox ("Cox Declaration") in support of the
 13 Administrative Motion, identifying which documents Defendants seek to seal in their entirety,
 14 which documents Defendants seek to narrowly redact, and the justification for sealing these
 15 materials. For the remainder of the exhibits to the Carlson Declaration, Defendants do not object
 16 to publicly filing the entirety of those exhibits.

17 Having considered the Administrative Motion, and any declarations and supporting
 18 documentation, thereto, the Court finds that there are "compelling reasons" for granting the
 19 motion to seal as to those documents and portions of documents identified in the Cox Declaration.
 20 *Ctr. For Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1096 (9th Cir. 2016). Sealing highly
 21 confidential contracts with actors and the director involved in the production of *Beauty and the*
 22 *Beast*, a portion of a deposition discussing one of those contracts, and other documents that
 23 contain proprietary market research and creative strategic decisionmaking is warranted as they
 24 contain confidential and sensitive business and personal information that is not publicly disclosed,
 25 and present the possibility of injury from disclosure in that competitors could use such information
 26 to "gain a competitive advantage in the marketplace." *Intel Corp. v. Via Techs., Inc.*, 198 F.R.D.
 27 525, 531 (N.D. Cal. 2000). The redaction of non-public email addresses of individuals appearing
 28

on emails in other documents is also warranted, and serves to protect against the public disclosure of personal information of Defendants' employees and other non-parties to this litigation.

The Administrative Motion, as modified by the Cox Declaration, is **GRANTED** and it is hereby **ORDERED** that the following documents and portions thereof shall be filed under seal:

Ex. (as listed in Proposed Order on Admin. Mot. to Seal [Dkt. No. 263-2 (Case No. 17-cv- 4006)])	Document (as listed in Carlson Decl. [Dkt. No. 263-1 (Case No. 17-cv-4006)] and corresponding Exhibits in Fier Decl. [Dkt. No. 264-8 (No. 17- CV-04006)] and same documents filed in Case No. 17-CV-04191)	Identification of Portions to Be Redacted/Sealed	Basis for Redaction/Sealing	Granted/ Denied
2	[UNREDACTED] Memorandum of Points and Authorities in Opposition to Motion for Summary Judgment on Causal Nexus Issue	Only those portions designated for redaction appearing on page 14 lines 4-10	The identified portions discuss and quote from proprietary market research designated "Highly Confidential," reflected in Ex. 18 below.	X
7	Excerpts from deposition of William Condon (Exhibit 5 to the Declaration of Mark Carlson IOT Opposition to Motion for Summary Judgment)	54:14 – 55:15	The identified portion of this deposition transcript discuss terms of a contract designated "Highly Confidential" with the director of <i>Beauty and the Beast</i> .	X
9	Document bates stamped DIS- REARDEN-0015072 (Exhibit 8 to the Declaration of Mark Carlson IOT Opposition to Motion for Summary Judgment)	Entirety	This document constitutes an excerpt of a contract designated "Highly Confidential" with Dan Stevens, an actor appearing in <i>Beauty and the Beast</i> .	X
10	DIS-REARDEN- 0015073 (Exhibit 9 to the Declaration of Mark Carlson IOT Opposition to Motion	Entirety	This document constitutes an excerpt of a contract designated "Highly Confidential" with	X

Ex. (as listed in Proposed Order on Admin. Mot. to Seal [Dkt. No. 263-2 (Case No. 17-cv- 4006)])	Document (as listed in Carlson Decl. [Dkt. No. 263-1 (Case No. 17-cv-4006)] and corresponding Exhibits in Fier Decl. [Dkt. No. 264-8 (No. 17- CV-04006)] and same documents filed in Case No. 17-CV-04191)	Identification of Portions to Be Redacted/Sealed	Basis for Redaction/Sealing	Granted/ Denied
	for Summary Judgment)		Emma Watson, an actor appearing in <i>Beauty and the Beast</i> .	
11	DIS-REARDEN- 0015071 (Exhibit 10 to the Declaration of Mark Carlson IOT Opposition to Motion for Summary Judgment)	Entirety	This document constitutes an excerpt of a contract designated “Highly Confidential” with Bill Condon, the director of <i>Beauty and the Beast</i> .	X
18	Document bates stamped FOX- REARDEN-0001326- 435 (Exhibit 27 to the Declaration of Mark Carlson IOT Opposition to Motion for Summary Judgment; Exhibit 4 to the Declaration of Philip Fier IOT Opposition to Motion for Summary Judgment)	Entirety	This document, designated “Highly Confidential,” contains proprietary market research maintained in confidence and not publicly disclosed, to maintain a competitive advantage.	X
19	Document bates stamped MAND- REARDEN-0000775 (Exhibit 29 to the Declaration of Mark Carlson IOT Opposition to Motion for Summary Judgment)	Entirety	These documents, each designated “Confidential,” contain confidential discussions regarding creative decisions in the production of the motion picture <i>Beauty and the Beast</i> .	X
20	Document bates stamped MAND- REARDEN-0000828 (Exhibit 31 to the	Entirety	Defendants are in the business of creating and producing motion pictures and other	X

Ex. (as listed in Proposed Order on Admin. Mot. to Seal [Dkt. No. 263-2 (Case No. 17-cv- 4006)])	Document (as listed in Carlson Decl. [Dkt. No. 263-1 (Case No. 17-cv-4006)] and corresponding Exhibits in Fier Decl. [Dkt. No. 264-8 (No. 17- CV-04006)] and same documents filed in Case No. 17-CV-04191)	Identification of Portions to Be Redacted/Sealed	Basis for Redaction/Sealing	Granted/ Denied
	Declaration of Mark Carlson IOT Opposition to Motion for Summary Judgment)		entertainment content, and the details of the creative and development processes reflected in these documents constitute trade secrets. Defendants derive independent economic value from the information contained in these documents not being generally known, and Defendants maintain this information in confidence.	
3	Document bates stamped MAND- REARDEN-0000003 (Exhibit 1 to the Declaration of Mark Carlson IOT Opposition to Motion for Summary Judgment)	Email addresses appearing on MAND- REARDEN- 0000003	The selective redaction of non- public email addresses serves to protect against the public disclosure of personal information of non-parties to this litigation.	X
6	Document bates stamped MAND- REARDEN-0001016- 32 (Exhibit 4 to the Declaration of Mark Carlson IOT Opposition to Motion for Summary Judgment)	Email addresses appearing on MAND- REARDEN- 0001016		X

Ex. (as listed in Proposed Order on Admin. Mot. to Seal [Dkt. No. 263-2 (Case No. 17-cv- 4006)])	Document (as listed in Carlson Decl. [Dkt. No. 263-1 (Case No. 17-cv-4006)] and corresponding Exhibits in Fier Decl. [Dkt. No. 264-8 (No. 17- CV-04006)] and same documents filed in Case No. 17-CV-04191)	Identification of Portions to Be Redacted/Sealed	Basis for Redaction/Sealing	Granted/ Denied
14	Document bates stamped MAND- REARDEN- 0001406 (Exhibit 17 to the Declaration of Mark Carlson IOT Opposition to Motion for Summary Judgment)	Email addresses appearing on MAND- REARDEN- 0001406		X
15	Document bates stamped DIS- REARDEN-011287- 90 (Exhibit 18 to the Declaration of Mark Carlson IOT Opposition to Motion for Summary Judgment)	Email addresses appearing on DIS- REARDEN- 011287		X

Pursuant to Civil L.R. 79-5(f)(3), within 7 days Plaintiffs shall file revised redacted versions of Exhibits 2, 3, 6, 7, 14, and 15 identified above which comport with the Court's order.

IT IS SO ORDERED.

DATED: December 3, 2020


Honorable Jon S. Tigar
United States District Judge